

**OPINION
51-78**

April 12, 1951 (OPINION)

HIGHWAYS

RE: Donation of Right-of-Way

In a conference held in this office you stated that some former Attorney General of the state of North Dakota had issued an opinion to the effect that farmers owning land on a highway proposed to be built by the State Highway Department could not donate the right-of-way required in order to construct the highway, but that such had to be purchased by the county commissioners.

This is to inform you that we can find no record of any opinion and if any such opinion was given, that it would be in error. Any person has the right to donate case or part of his property for any legitimate purpose if he so desires to do, and we hold as our opinion that if any of the farmers adjoining Highway No. 31 in the State of North Dakota between New Salem and Hannover desire to donate a right-of-way to the Highway Department they have a perfect right to do so.

ELMO T. CHRISTIANSON

Attorney General